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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,981	02/17/2004	Clyde Bruce Elliott	453-020	8885
7590	08/09/2005		EXAMINER	LAU, HOI CHING
John G. Chupa Law Offices of John Chupa & Associates, P.C. Suite 50 28535 Orchard Lake Road Farmington Hills, MI 48334			ART UNIT	PAPER NUMBER
			2636	
			DATE MAILED: 08/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/779,981	ELLIOTT, CLYDE BRUCE
	Examiner	Art Unit
	Hoi C. Lau	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1- 4 have been examined.

Claim Rejections - 35 USC § 112

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 9 and 10 are confusing and unclear about the belonging of back surface and how the standing surface attract with the flashing element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hankins et al. (U.S. 2003/0156038) in view of Moore (U.S. 5,979,097).

Regarding **Claim 1**, Hankins' device comprises:

A flashing element, having a twinkling light body outwardly and having a circuit connected to a battery behind where twinkling light body and inside flashing element (Figure 1-3 and page 2, paragraphs 37-40);

A magnet with magnetism (page 2, paragraph 41 and page 3, paragraph 46);

Thereby, flashing element can twinkle and magnet mountable upon an individual, vehicle, or other objects by a magnetic securing mechanism (page 1, paragraph 12 and page 2, paragraph 21-22 and 41).

It fails to show a standing board which having a standing surface and it is silent on the flashing element having a back cover which is made of ferrous material.

It would have been obvious to one of ordinary skill in the art at the time to include a back cover is made of ferrous material because back cover would provide a security and protection purpose for the battery and circuitry and the ferrous material would provide an extra magnetic strength for device to attach on object with compact design.

Moore's device teaches a standing board, having a standing surface (figure 1 and abstract)

It would have been obvious to one of ordinary skill in the art at the time to using a standing board because it would provide a display and stands for the flashing element without individual constantly holding it for attention purpose.

As to **Claim 2**, Hankins' device teaches a message element connected standing surface for conveying message (figure 4 and page 2, paragraph 36).

As to **Claim 3**, Moore's device teaches a standing surface of said standing board can be bent backwardly and then bent centrally to form a notch for positioning said message, wherein, standing board is made of transparent material (Figure 3 and column 5, lines 33-39 and column 6, lines 27-36).

However, it fails to show both sides of standing surface of standing board can be bent backwardly.

It would have been obvious to one of ordinary skill in the art the one side of the standing surface bent to form a notch for positioning message would perform the same security function as both sides bent to form the structure base on manufacture.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hankins et al. (U.S. 2003/0156038) in view of Moore (U.S. 5,979,097), in further view of W.L. Paul (U.S. 2,401,014).

The combination meets all the limitation of claim except it fails to show the flashing element is turned on and off by screw back cover.

Paul's device teaches the flashing element is turned on by screwing tightly said back cover to said body and turned off by screwing loosely said back cover to body (figure 1 and column 3, lines 28-33).

It would have been obvious to one of ordinary skill in the art at the time to implement Paul's ON/Off switch into Hankins' device because it would provide a friction or screwing fit tight coupling for the device without adding extra switch component.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas et al. (U.S. 2004/0060211) teaches a display for collectibles includes a first portion or wall and second portion or wall. The first

Art Unit: 2636

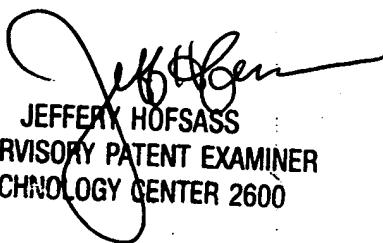
and second walls are joined at one end thereof and together provide a self-supporting structure. Cross (U.S. 5,950,341) shows a one-piece paperboard picture frame with self contained easels. The frame is fabricated from a single piece of paperboard divided into three foldable panels which are die-cut according to a predetermined pattern to create a display opening and easels for supporting the frame in a horizontal or vertical orientation. Mattson (U.S. 4,236,331) teaches a self-adhering badge assembly comprises a pair of separable substantially flat badge panels adapted to be placed in face-to-face clamping assembly alignment with a selected area of an article of clothing clamped between the panels and thereby supporting the badge assembly in place on the article of clothing. Harney et al. (U.S. 6,240,667) teaches a support provides a window for the display of advertising material. The support has a gripping feature on opposing sides for engaging an airline fold-down tray by its side edges.

11: Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547. The examiner can normally be reached on M-F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL



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